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Attorneys for Defendant Cosmetic Warriors Limited

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

PINKETTE CLOTHING, INC., a

| Case No. 15-CV-04950-SJO-AJW

LUS02-01:1851026\_1:12-16-16

- 1 -

DECLARATION OF HEATHER J. KLIBENSTEIN IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE NO. 8  
TO EXCLUDE TESTIMONY FROM DR. HIBBARD REGARDING THE LEGAL RELEVANCE OF DR.  
JOACHIMSTHALER'S TESTIMONY

1 California corporation,

2 Plaintiff,

3 vs.

4 COSMETIC WARRIORS LIMITED,  
5 believed to be a United Kingdom limited  
6 company doing business as LUSH  
7 HANDMADE COSMETICS, and DOES 1-  
9, inclusive,

8 Defendants.

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**DECLARATION OF HEATHER J. KLIEBENSTEIN IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE NO. 8 TO EXCLUDE TESTIMONY FROM DR. HIBBARD REGARDING THE LEGAL RELEVANCE OF DR. JOACHIMSTHALER'S TESTIMONY**

Date: January 24, 2017  
Time: 9:00 a.m.  
Crtrm: 10C

Complaint Filed: June 30, 2015  
Trial Date: January 24, 2017

**DECLARATION OF HEATHER J. KLIEBENSTEIN**

I, Heather J. Kliebenstein, hereby declare as follows:

1. I am an attorney admitted *pro hac vice* to practice before this Court in this case and an attorney at the law firm of Merchant & Gould P.C., co-counsel for Defendant Cosmetic Warriors Limited (CWL). I am over the age of eighteen years, have personal knowledge of the matters stated herein, and am competent to testify about them.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of Erich Joachimsthaler, Ph.D., dated September 14, 2016. This document is subject to a motion to file under seal.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Rebuttal Report of Jonathan D. Hibbard, Ph.D., dated October 5, 2016. This document is subject to a motion to file under seal.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the deposition of Dr. Jonathan D. Hibbard, dated October 21, 2016.

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1 I declare under penalty of perjury of the laws of the United States that the foregoing  
2 is true and correct to the best of my knowledge and belief. Executed in Minneapolis,  
3 Minnesota.

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6 Dated: December 16, 2016

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By:



Heather J. Kliebenstein

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